

LEWIS BRISBOIS BISGAARD & SMITH LLP

JOEL Z. SCHWARZ

Nevada Bar No. 9181

Joel.Schwarz@lewisbrisbois.com

633 West 5th Street, Suite 4000

Los Angeles, California 90071

Telephone: 213.250.1800

Facsimile: 213.250.7900

DANIEL C. DECARLO

California Bar No. 160307

Admitted Pro Hac Vice

Dan.DeCarlo@lewisbrisbois.com

633 West 5th Street, Suite 4000

Los Angeles, California 90071

Telephone: 213.250.1800

Facsimile: 213.250.7900

*Attorneys for Defendant/Counterclaimant SW
North America, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SMITH & WESSON BRANDS, INC.,
SMITH & WESSON, INC.,

Plaintiffs,

vs.

SW NORTH AMERICA, INC.,

Defendant.

AND ALL RELATED CLAIMS

Case No. 2:22-cv-01773-JCM-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[FIFTH REQUEST]

Pursuant to LR IA 6-1, LR 7-1, and LR 26-3, Plaintiffs SMITH & WESSON BRANDS, INC. and SMITH & WESSON, INC. (“Plaintiffs”) and Defendant SW NORTH AMERICA, INC. (“Defendant”), by and through their respective counsel, stipulate to extend the dates set forth in Stipulation and Order to Extend Discovery Deadlines [ECF No. 78] by sixty (60) days, up to and including *June 11, 2024*. This stipulation is the parties’ fifth requested extension of dates. In support of this stipulation and request, the parties state as follows:

1 **A. DISCOVERY COMPLETED**

2 Plaintiffs' Initial Disclosures were served on January 31, 2023.

3 Defendant's Initial Disclosures also were served on January 31, 2023.

4 On March 15, 2023, Plaintiffs served a First Set of Interrogatories and a First Set of Requests
5 for Production. Defendant served Objections and Answers to Plaintiffs' First Set of Interrogatories,
6 Objections and Responses to Plaintiffs' First Set of Requests for Production, and a Privilege Log on
7 May 8, 2023.

8 On April 5, 2023, Defendant served a First Set of Interrogatories to Plaintiff Smith &
9 Wesson, Inc., a First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and a First Set
10 of Requests for Production to Plaintiffs. Plaintiffs served Responses and Objections to Defendant's
11 First Set of Interrogatories to Plaintiff Smith & Wesson, Inc., Responses and Objections to
12 Defendant's First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and Responses
13 and Objections to Defendant's First Set of Requests for Production to Plaintiff on May 31, 2023.

14 Pursuant to a June 5, 2023 Order [ECF No. 62] granting the parties' Joint Motion for Partial
15 Stay of Discovery [ECF No. 61], expert discovery and all depositions were stayed pending the
16 Court's resolution of Defendant's Motion to Dismiss [ECF No. 52]. The Order resolving the Motion
17 to Dismiss was entered July 5, 2023 [ECF No. 63]. Since that time, counsel for the parties have met
18 and conferred regarding the parties' respective written discovery responses and document
19 productions. Those meetings led to settlement discussions between the parties, which as discussed
20 below, have significantly progressed.

21 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

22 Initial and rebuttal expert witness disclosures and depositions.

23 Party and percipient witness depositions.

24 Additional written discovery.

25 Third-party subpoenas.

26 **C. REASONS WHY ADDITIONAL TIME IS NEEDED**

27 The parties have continued to engage in settlement negotiations, most recently exchanging
28 draft proposed settlement terms on January 18, 2024, which were discussed in a call between counsel

on January 26, 2024. The parties request an extension of all current deadlines to accommodate these ongoing negotiations, which will obviate the need for further discovery and dispositive motions if successful.

The parties are now at a point where they anticipate either a settlement within the next thirty (30) days, or resumption and completion of discovery within the deadlines ~~proposed~~ herein.

This fifth request for an extension of time is not sought for delay or any other improper purpose. Rather, the parties seek this extension solely to allow sufficient time for settlement negotiations or, if necessary, to complete discovery and prepare their respective cases for trial. The parties respectfully submit that the reasons set forth above constitute good cause, and to the extent applicable excusable neglect¹, for the requested extension.

The following is a list of the current discovery deadlines and the parties' ~~proposed~~ extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Amend Pleadings or Add Parties	<i>May 15, 2023</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>February 12, 2024</i>	<i>April 12, 2024</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>March 13, 2024</i>	<i>May 13, 2024</i>
Discovery Cut-off	<i>April 12, 2024</i>	<i>June 11, 2024</i>
Dispositive Motions	<i>May 13, 2024</i>	<i>July 12, 2024</i>
Pretrial Order ²	<i>June 12, 2024</i>	<i>August 12, 2024</i>

¹ The current deadline for initial expert disclosures is February 12, 2024. To avoid potentially unnecessary expert expenses, the parties have focused their efforts on continued settlement discussions. At this juncture, expert disclosures by February 12, 2024 are not feasible.

² In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the joint pretrial order.

WHEREFORE, the parties respectfully request that this Court extend the discovery period by sixty (60) days from the current deadline of April 12, 2024 up to and including June 11, 2024, and the other dates as outlined in accordance with the table above.

Dated: January 31, 2024

Dated: January 31, 2024

BALLARD SPAHR LLP

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Hara K. Jacobs

/s/ Joel Z. Schwarz

JOEL E. TASCA

JOEL Z. SCHWARZ

Nevada Bar No. 14124

Nevada Bar No. 9181

tasca@ballardspahr.com

joel.schwarz@lewisbrisbois.com

MADELEINE COLES

6385 S. Rainbow Boulevard, Suite 600

Nevada Bar No. 16216

Las Vegas, Nevada 89118

colesm@ballardspahr.com

Telephone: 702.893.3383

1980 Festival Plaza Drive, Suite 900

Facsimile: 702.893.3789

Las Vegas, Nevada 89135

Tel: 702.471.7000

DANIEL C. DECARLO

Admitted Pro Hac Vice

Fax: 702.471.7070

California Bar No. 160307

Dan.DeCarlo@lewisbrisbois.com

633 West 5th Street, Suite 4000

Los Angeles, California 90071

Telephone: 213.250.1800

Facsimile: 213.250.7900

HARA K. JACOBS

Admitted Pro Hac Vice

jacobsh@ballardspahr.com

NOAH S. ROBBINS

Admitted Pro Hac Vice

robbinsn@ballardspahr.com

GALLIAN WELKER & ASSOCIATES, L.C.

NATHAN E. LAWRENCE

Nevada Bar No. 15060

nlawrence@vegascase.com

730 Las Vegas Blvd. S., Suite 104

Las Vegas, NV 89101

Attorneys for Plaintiffs

Smith & Wesson Brands, Inc.,

Smith & Wesson Inc.

Attorneys for Defendant SW North America, Inc.

ORDER

IT IS SO ORDERED.



U.S. MAGISTRATE JUDGE

DATED: January 31, 2024